

REMARKS

Claims 1-15 are pending in the instant application with claims 1, 3, 6-10, and 13-15 amended herein. No new matter is added by these amendments.

Initially, claims 1-15 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite. In response, claims 1, 7, 13, and 14 have been amended to address the issues raised in the office action. Withdrawal of the rejection is requested.

On the merits, claims 1-15 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application No. 2002/01413 to Bays in view of U.S. Patent No. 6,904,017 to Meempat.

Independent claims 1, 7, 13, and 14 have been amended. It is submitted that as amended these independent claims patentably distinguish over the relied upon portions of the cited references and are allowable.

For example, claim 1 recites:

determining a distribution ratio at which an input traffic to an ingress edge node is distributed to each of a plurality of paths set up between said ingress edge node and an egress edge node that correspond to a traffic engineering section in a network

Neither Bays nor Meempat, whether taken singularly or in combination, and specifically col. 2 lines 53-65 of Meempat do not teach determining a ratio at which an input traffic to an ingress edge node is distributed to each of a plurality of paths, as recited in independent claim 1. Accordingly, claim 1 patentably distinguishes over the relied upon portions of the cited references and is allowable. Independent claims 7, 13, and 14 recite similar features and therefore also patentably distinguish over the relied upon portions of the references and are allowable.

Because each of dependent claims 2-6, 8-12, and 15 provides at least the distinguishing

feature as pointed out above it is respectfully submitted the independent claims are in condition for allowance. Each dependent claim includes at least the above distinguishing features and additional features not found in the reference.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is invited to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

/Nathan Weber/
Nathan Weber
Reg. No. 50,958

CUSTOMER NUMBER 026304

Telephone: (212) 940-8703
Fax: (212) 940-8986/8987
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